

E 'Specially' DECS

Services *A weekly email update from the Division of Exceptional Children*

to Directors of Special Education on current issues, information and events.

February 18, 2005 - Volume ,1 Number 41

Question of the Week:

When are functional behavioral assessments and behavioral intervention plans required under the IDEA?

Answer: A functional behavioral assessment and implementation of a behavior intervention plan must be developed in response to the following disciplinary actions:

- a. Change in placement to an Interim Alternative Educational Setting (IAES) for weapons, drugs or dangerous behavior
- b. Change in placement for more than 10 consecutive days
- c. Change in placement for 10 cumulative days if a pattern exists

In addition, IDEA requires that the Admissions and Release Committee (ARC) consider adoption of strategies, including "positive behavioral interventions, strategies and supports" to address behavior that "impedes the student's learning or that of others."

Moreover OSEP states that, even when a change in placement does not occur, the ARC must consider positive behavioral intervention, strategies and supports to address a student's needs. See Letter to Osterhout, 35 IDELR 9 (OSEP 2000)

IDEA sets forth no specific standards that ARCs must use when considering development of a Behavior Intervention Plan. However, cases suggest that two factors to consider are frequency and severity of the student's behavior.

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The Question of the Week will be an on-going feature of E 'Specially' DECS. If you have a special education question that you believe would be of general interest to other Directors of Special Education, email your suggestion to Sammie Lambert at slambert@kde.state.ky.us

New DECS Staff

We are excited to welcome two new staff people to DECS.

Lisa Durham has been hired as a staff consultant with the Administrative/Accountability Branch. Corlia Logsdon has also joined our ranks as a staff consultant with the Administrative /Accountability Branch. Lisa and Corlia replace Maureen Hall and Pam Goins.

Both women come to us from other KDE divisions. Lisa was formerly with KDE's Division of Career & Technical Education and Corlia comes to us from the Division of Federal Programs and Instructional Equity.

Please join us in welcoming them!

Contact Information for E 'Specially' DECS

- Sammie Lambert at slambert@kde.state.ky.us for information on newsletter content.

- Chris Thacker at 502 564-4738 for technical difficulties in receiving E 'Specially' DECS.

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Forwarding of E 'Specially' DECS is not only allowed, it is encouraged. Please send to staff in your district who may be able to benefit from this information.